

DOCKET NO. SC12733TP

REMARKS

In an Office Action mailed June 16, 2005, pending claims 1-38 were examined. Claims 1, 7-12, 18, 21-28, 33-35 and 37-38 were rejected and claims 2-6, 13-17, 19, 20, 29-32 and 36 were objected to. In response, Applicants are herein amending claims 1-3, 5, 21, 25, 30, 31, 33-35 and 36, canceling dependent claim 29 and adding new dependent claim 39. Applicants request the reconsideration and allowance of claims 1-28 and 30-39, as amended herein. No additional fees are owed because the total number of independent claims does not exceed three. While new dependent claim 39 is presented, the total number of claims did not change since dependent claim 29 was canceled.

Claims 1, 7-12 and 25-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. Patent 6,768,158) and particularly the structure of Fig. 5d of Lee et al. Claim 1 is herein amended to distinguish over Lee et al. Claim 2 was objected to. Claim 1 now includes the limitations of claim 2 to place claim 1 in condition for allowance. Claims 7-12 are dependent from amended claim 1 and therefore are also allowable over Lee et al. Claim 25 is herein amended to distinguish over Lee et al. Claim 29 was indicated as being allowable, and claim 25 now includes the limitations of claim 29 which is herein canceled. Claims 26-28 which depend from claim 25 are therefore allowable. Applicants therefore request the reconsideration and withdrawal of the rejection of claims 1, 7-12 and 25-28.

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Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent 6,768,158) in view of Prinz (U.S. Patent 6,816,414). Claim 18 is dependent from claim 1 which is amended to be allowable over the art made of record. Applicants therefore request the reconsideration and withdrawal of the rejection of claim 18.

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent 6,768,158) in view of Cheng et al. (U.S. Publication 20050112817). Claim 21 is dependent from claim 1 which is amended to be allowable over the art made of record. Claim 21 is amended to make clear that contact is to only one of the three recited gate structure. Neither reference teaches or suggests forming electrical contact to only one of three gate structures. Applicants therefore request the reconsideration and withdrawal of the rejection of claim 21.

Claims 22-24 and 37-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent 6,768,158) in view of Cleaves et al. (U.S. Patent 6,580,124). Claims 22-24 are dependent from claim 1 which is amended to be allowable over the art made of record. Claim 37-38. Claims 37-38 are dependent from claim 25 which is amended to be allowable over the art made of record. Applicants therefore request the reconsideration and withdrawal of the rejection of claims 22-24 and 37-38.

Claims 33-34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent 6,768,158) in view of Prinz (U.S. Patent 6,816,414). Claims 33-34 and 35 are dependent from

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claim 25 which is amended to be allowable over the art made of record. Applicants therefore request the reconsideration and withdrawal of the rejection of claims 33-34 and 35.

New claim 39 is presented for consideration and is dependent from base claim 1 which is allowable over the art made of record. New claim 39 includes the recital of original dependent claim 3 which was indicated to contain allowable subject matter. Applicants therefore request the reconsideration and allowance of claim 39.

Applicants respectfully submit that claims 1-28 and 30-39, as amended herein, are readily distinguishable in function and structure from all of the art made of record, taken alone or in combination.

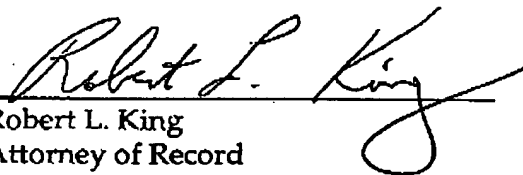
Should issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at (512) 996-6839.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Freescall Semiconductor, Inc.
Customer Number: 23125

By:


Robert L. King
Attorney of Record
Reg. No.: 30,185
Telephone: (512) 996-6839
Fax No.: (512) 996-6854